

CALIFORNIA STATE COASTAL CONSERVANCY
 1330 BROADWAY, SUITE 1100
 OAKLAND, CA 94612-2530
 ATSS 541-1016
 TELEPHONE (510) 286-1016
 FAX (510) 286-0470



May 2, 1996

Subject: Feasibility Study for Escondido Beach Access Development

Dear Malibu Resident:

On Thursday, May 16, 1996 the Coastal Conservancy will consider funding a study to examine the feasibility of developing a public access route from Pacific Coast Highway to Escondido Beach. The potential access route is along a publicly held easement known as the "Chiate/Wildman easement" at 27900-10 Pacific Coast Highway. The study would be a part of the Coastal Conservancy's ongoing investigation of developing the easement for public use.

If funding is authorized, the Coastal Conservancy will employ technical experts to evaluate site conditions and constraints, consider design alternatives, and estimate construction costs. The study would also examine the feasibility of constructing a small adjacent parking lot. Please be aware that at the May 16 meeting the Coastal Conservancy will be considering authorization of a feasibility study only, and not actual construction of public access facilities.

The Coastal Conservancy's meeting will be held in Carlsbad, California, in the city council chambers, 1200 Carlsbad Village Drive, beginning at 9:30 a.m. If you would like to comment on this issue, but cannot attend the meeting, please mail or fax comments to my attention at the above address or number. All written comments received before the date of the meeting will be presented to the Coastal Conservancy's governing board.

Sincerely,

Brenda Buxton

Brenda Buxton
 Project Manager

1000005

IRELL & MANELLA LLP

A REGISTERED LIMITED LIABILITY LAW PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

333 SOUTH HOPE STREET, SUITE 3300
LOS ANGELES, CALIFORNIA 90071-3042
TELEPHONE (213) 620-1885
FACSIMILE (213) 229-0915

1800 AVENUE OF THE STARS, SUITE 900
LOS ANGELES, CALIFORNIA 90067-4276
TELEPHONE (310) 277-1010

CABLE ADDRESS IRELLA LSA
FACSIMILE (310) 203-7199

840 NEWPORT CENTER DRIVE SUITE 500
NEWPORT BEACH, CALIFORNIA 92660-6324
TELEPHONE (714) 760-0891
FACSIMILE (714) 760-5200

WRITER'S DIRECT DIAL NUMBER

May 15, 1996

VIA FACSIMILE AND U.S. MAIL

Ms. Brenda Buxton
Project Manager
California State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, California 94612

Re: **Feasibility Study for Escondido Beach Access
Development**

Dear Ms. Buxton:

We are writing on behalf of our client, Frank Mancuso, who is the owner of a portion of the fee ownership underlying the "Chiate/Wildman easement" (the "Easement"). Yesterday we learned that the Conservancy's May 16th agenda includes an action item pertaining to the Easement. Mr. Mancuso received no personal notice regarding such item as required by law. Accordingly, we are writing to object to the Conservancy's consideration of any action regarding the Easement at its May 16th meeting.

In addition to the fact that Mr. Mancuso has not been provided with personal notice regarding the May 16th meeting, Mr. Mancuso wishes to be able to present to the Conservancy specific public safety, engineering, environmental, and legal issues associated with the Easement, which should be considered by the Conservancy prior to the Conservancy taking any action or expending any public funds in connection with the Easement. By virtue of the lack of notice, Mr. Mancuso is unable to submit these comments in time for the Conservancy's May 16th meeting.

Ms. Brenda Buxton

May 15, 1996

Page 2

For all of the foregoing reasons, we respectfully request that such item be removed from the Conservancy's May 16th agenda until Mr. Mancuso is afforded proper notice and can make provision to attend or submit comments to the Conservancy.

Very truly yours,


Allan J. Abshez

cc: Mr. Frank Mancuso

CALIFORNIA STATE COASTAL CONSERVANCY

1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE (510) 286-1015
FAX (510) 286-0470



May 22, 1996

Mr. Allan Abshez
Irell and Manella LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067-4276

Dear Mr. Abshez:

I am responding to your letter of May 15, 1996 to Brenda Buxton regarding the feasibility study for the Chiate/Wildman easement. The staff recommendation for this feasibility study was approved by the Conservancy at the May 16, 1996 meeting and a copy of the recommendation is attached.

Our mailing list for issues regarding the Chiate/Wildman easement, including this feasibility study, has Ms. Susan McCabe as Mr. Mancuso's representative. In my attached letter of April 1, 1996, I informed Ms. McCabe and other representatives that the Conservancy would be continuing its feasibility study of the easement. In addition, Ms. Buxton faxed a copy of the staff recommendation for the feasibility study to Ms. McCabe at the Rose and Kindle office in Sacramento on May 9, 1996.

We would appreciate a letter from Mr. Mancuso clarifying who is his representative and where he would like us to direct future notices or discussions regarding this easement.

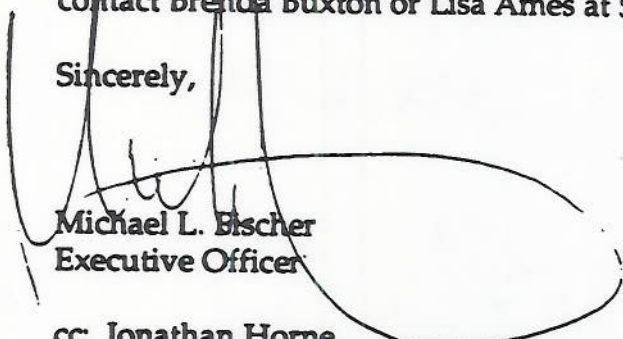
As you will see in the attached staff recommendation, the Conservancy is taking no action regarding the construction of this easement. We will be hiring technical experts to evaluate the easement's construction feasibility. Construction of the Chiate/Wildman easement would require a separate authorization by the Conservancy.

420018

Mr. Allan Abshez
May 22, 1996
Page Two

If you have additional information regarding the easement, you are welcome to submit it to us. This information will be taken into consideration when evaluating the feasibility of building this easement. For further details, please contact Brenda Buxton or Lisa Ames at 510-286-1015.

Sincerely,



Michael L. Bischer
Executive Officer

cc: Jonathan Horne
Susan McCabe

Enclosures

000019

IRELL & MANELLA LLP

A REGISTERED LIMITED LIABILITY LAW PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

333 SOUTH HOPE STREET, SUITE 3300
LOS ANGELES, CALIFORNIA 90071-3042
TELEPHONE (213) 620-1555
FACSIMILE (213) 228-0515

1800 AVENUE OF THE STARS, SUITE 900
LOS ANGELES, CALIFORNIA 90067-4276

TELEPHONE (310) 277-1010

CABLE ADDRESS: IRELLA LSA

FACSIMILE (310) 203-7188

840 NEWPORT CENTER DRIVE, SUITE 500
NEWPORT BEACH, CALIFORNIA 92660-6322
TELEPHONE (714) 760-0891
FACSIMILE (714) 760-8200

WRITER'S DIRECT DIAL NUMBER

June 6, 1996.

Mr. Michael L. Fischer
Executive Officer
California State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, California 94612-2530

Re: Feasibility Study for Escondido Beach Access

Dear Mr. Fischer:

We are in receipt of your letter of May 22, 1996. As you will recall, our April 15, 1996 letter requested that the Conservancy refrain from taking any action on April 16 in connection with staff's recommendation regarding the proposed Escondido Beach Access. The basis of our request was that our client had not been provided with legally required notice and the opportunity to be heard regarding matters which may result in a significant deprivation of his property rights. Horn v. County of Ventura, 24 Cal. 3d 605 (1979).

Due to the Conservancy's lack of notice, Mr. Mancuso was prevented from presenting specific public safety, engineering, environmental, and legal issues associated with what is commonly known as the Chiate/Wildman easement, as well as matters concerning the entry of Conservancy contractors and vendors onto his property, which should have been considered by the Conservancy prior to any action pertaining to the scoping and authorization of the proposed study. Prior entries by the Conservancy's agents have damaged areas of Mr. Mancuso's property which are outside of the easement area.

Although your letter does not state whether the Conservancy complied with our reasonable request, its plain implication is that the Conservancy acted despite our request in derogation of our client's due process rights. We would appreciate being advised immediately if the Conservancy did not take any action.

Mr. Michael L. Fischer
June 6, 1996
Page 2

We hope that the Conservancy is willing to recognize its constitutional responsibilities to provide reasonable notice and hearing to directly affected property owners, and that we will be able to avoid costly unproductive litigation. Accordingly, we are requesting that the Conservancy immediately stop the work which your letter implied was authorized on April 16 until a duly noticed hearing has taken place. We would appreciate your written response to this request so that we can determine how to appropriately proceed.

None of the items described in your May 22nd letter indicates that the Conservancy sought or attempted any direct mail notice to Mr. Mancuso, who is the fee owner of a portion of the property affected by the easement, as required by law. For your information, Ms. McCabe does not represent Mr. Mancuso. In addition, Ms. McCabe also confirmed to me by telephone that she has not informed the Conservancy that she is representing Mr. Mancuso. In your letter of May 22nd you referenced and included Conservancy correspondence dated April 1, 1996. Such correspondence is addressed to Mr. Jonathan Horne, who does not represent Mr. Mancuso. In addition, such letter makes no mention of the April 16th action item.

Finally, in accordance with the Public Records Act, we are requesting a complete copy of the administrative record pertaining to the Chiate/Wildman easement. We will, of course, reimburse the Conservancy for the cost of copying the record.

Once again, we would appreciate receiving immediate written advice as to the Conservancy's position and whether the Conservancy is willing to voluntarily stop the work authorized on April 16th so that we can determine how to appropriately proceed.

Very truly yours,


Allan J. Abshez

cc: Mr. Frank Mancuso

IRELL & MANELLA LLP

A REGISTERED LIMITED LIABILITY LAW PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

333 SOUTH HOPE STREET, SUITE 3300
LOS ANGELES, CALIFORNIA 90071-3042
TELEPHONE (213) 620-1999
FACSIMILE (213) 229-0615

1800 AVENUE OF THE STARS, SUITE 900
LOS ANGELES, CALIFORNIA 90067-4276

TELEPHONE (310) 277-1010

CABLE ADDRESS IRELLA LSA

FACSIMILE (310) 203-7199

840 NEWPORT CENTER DRIVE, SUITE 300
NEWPORT BEACH, CALIFORNIA 92660-6324
TELEPHONE (714) 760-0991
FACSIMILE (714) 760-5200

WRITER'S DIRECT DIAL NUMBER

June 13, 1996

VIA FACSIMILE AND U.S. MAIL

James Pierce, Esq.
California State Coastal Conservancy
1330 Broadway
Suite 1100
Oakland, California 94612

Re: Chiate/Wildman Easement

Dear Mr. Pierce:

This letter confirms our telephone conversation of this afternoon. You informed me that a decision had not yet been reached regarding our June 6 letter request that actions arising from the Conservancy Board's May 16 meeting regarding the Chiate/Wildman Easement be suspended until Mr. Mancuso had been afforded a duly noticed opportunity to be heard regarding the same. You indicated that the Conservancy would provide a written response to our request on Monday or Tuesday of next week.

As indicated in both our letters of May 15 and June 6, Mr. Mancuso received no personal notice of the May 16 action regarding the Easement, notwithstanding the fact that such item significantly impacts Mr. Mancuso's property rights, and among other things, contemplates entry onto his property by third party vendors. I indicated my concern that Mr. Mancuso should be afforded a duly noticed opportunity to be heard before the Conservancy Board's May 16 action acquires irreversible momentum, and stressed the importance of a response so as to enable Mr. Mancuso to determine whether it will be necessary to pursue formal legal redress.

Because of the problems which have arisen from the lack of personal notice to Mr. Mancuso and other area property owners, I inquired whether the Conservancy had adopted any

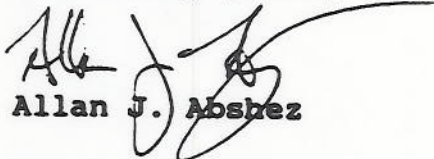
James Pierce, Esq.
June 13, 1996
Page 2

notice procedures as mandated by Section 31107.1 of the Public Resources Code. You indicated that you were not aware that the Conservancy had adopted any procedures pursuant to Section 31107.1, or any other notice procedures.

Finally, I inquired as to the status of our June 6 Public Records Act request. I was informed that we would shortly be provided with an estimate of the cost of copying the record. We would like to receive the record as promptly as possible so that we may adequately prepare for a hearing before the Conservancy Board (assuming the Conservancy is willing to accommodate our reasonable request).

Please do not hesitate to contact me if you have any comments or questions.

Very truly yours,


Allan J. Abshez

cc: Mr. Frank Mancuso



June 18, 1996

Via Facsimile & U.S. Mail
310/203-7199

Mr. Alan Abshez
Irell & Manella LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067-4276

RE: **Feasibility Study for Escondido Beach Access/Mancuso Property**

Dear Mr. Abshez:

This is in response to your letter of June 6, 1996 to Michael Fisher, and letters of June 13, 1996 to me and to Charles Rauw of Charles I. Rauw Consulting Engineers. Your correspondence alleges that your client Frank Mancuso's procedural due process rights have been violated, in that you contend Mr. Mancuso was not afforded notice or an opportunity to be heard with respect to the Conservancy's May 16, 1996 board meeting and authorization of the above-referenced feasibility study. Your correspondence also requests that the Conservancy refrain from taking any action in furtherance of the feasibility study authorized by the Conservancy Board on May 16, 1996.

It is our opinion that Ms. Susan McCabe repeatedly, both actually and constructively, represented to the Conservancy that she was Mr. Mancuso's agent. Ms. McCabe contacted Mr. Fisher in early 1994 and stated that she represented Mr. Mancuso concerning the Chiate/Wildman easement. Indeed, at this time she, along with Jonathan Horne, Mr. Wildman's representative, provided Mr. Fisher with a tour of the subject real property. Also, in September of 1994 Ms. McCabe and Mr. Horne toured the property with Conservancy staff Joan Cardellino and Brenda Buxton. In December of 1995 Ms. McCabe and Mr. Horne attended a meeting at the Conservancy's offices where they proposed an access alternative to the Chiate/Wildman easement. Further, in February 1996 Ms. Buxton and Steve Horn, Deputy Executive Officer of the Conservancy, had several conversations with Ms. McCabe concerning the Chiate/Wildman easement. The following month, Ms. McCabe attended a public meeting concerning the easement, and also telephoned Ms. Buxton subsequent to the meeting to discuss the proposed alternative

1330 Broadway, 11th Floor

Oakland, California 94612-2530

510-286-1015 Fax: 510-286-0470

Mr. Alan Abshez
June 18, 1996
Page 2

easement. Ms. McCabe has also received correspondence from the Conservancy on this matter, yet never notified the Conservancy that she was not Mr. Mancuso's agent.

Ms. McCabe's repeated contact with the Conservancy and attendance at meetings concerning the easement constitutes her repeated representation that she was acting as Mr. Mancuso's agent in this matter. Accordingly, the Conservancy reasonably believed Ms. McCabe to be acting as such. The Conservancy regrets any misunderstanding between Mr. Mancuso and Ms. McCabe as to her agency status, but was not duty bound to establish the exact nature of the relationship between these individuals.

Ms. McCabe's agent status notwithstanding, neither Mr. Mancuso or your firm ever requested to receive notice from the Conservancy with respect to the May 16, 1996 meeting, as required by law. Notice of the May 16, 1996 meeting was provided to all persons who requested, in writing (in accordance with California Government Code Section 11125(a)),¹ to be notified of the meeting. Furthermore, as a courtesy, Ms. Buxton provided Ms. McCabe with a facsimile of the staff recommendation describing the proposed feasibility study in early May 1996.

The Conservancy regrets Mr. Mancuso's election (perhaps unintended) to forego his opportunity to be heard at the May 16, 1996 meeting. However, the Conservancy asserts it did nothing wrong concerning its duty to provide proper notice of the meeting. Notwithstanding, as I mentioned during our telephone conversation of June 13, 1996, the Conservancy invites Mr. Mancuso to raise his concerns to the Conservancy in writing. The Conservancy also receives oral comments from the public at each of its meetings; the next two Conservancy meetings will be held June 20, 1996 in Sacramento and August 15, 1996 in San Francisco.

Your correspondence also states that Mr. Mancuso's property has been damaged by Conservancy agents. Assuming any such damage did occur, please elaborate on this statement if the extent of the damage warrants your taking the time to do so.

With respect to your June 6, 1996 Public Records Request Act inquiry, we have four filefolders, each approximately 3 1/2 inches thick. We suggest that you review the files for relevance and applicability prior to copying. Please let me know how you would

¹ Your June 13, 1996 correspondence references Cal. Public Resources Code Section 31107.1 with respect to the Conservancy's notice procedures. Section 31107.1 pertains to "property transactions," that is acquisitions, exchanges, etc. The Conservancy's action on the Chiate/Wildman easement does not constitute a transaction as the Conservancy already owns the easement.

Mr. Alan Abshez
June 18, 1996
Page 3

like to handle the inspection and production of the documents.


As for your letter to Mr. Rauw, be aware that neither you or Mr. Mancuso have any authority to impede Mr. Rauw or Charles I. Rauw Consulting Engineers from the performance of any contractual obligation they may have concerning the feasibility study. Furthermore, you, on behalf of Mr. Mancuso, are instructed and requested to direct any communications to the Conservancy or its agents concerning this issue through this office until otherwise instructed. Any further unauthorized conduct will be considered tortious interference with the Conservancy's business relationship(s).

At this time, the Conservancy will continue working on the previously approved feasibility study. However, you have the Conservancy's assurance that no entry onto Mr. Mancuso's property will occur without his permission. Indeed, Mr. Mancuso currently blocks access to the Conservancy's easement from Highway One, and maintains structures which encroach upon the Conservancy's easement. These issues require resolution, which will hopefully be accomplished through negotiation rather than litigation. Any necessary entry onto Mr. Mancuso's property prior to resolution of these issues for purposes of the feasibility study will be described in writing and permission for entry will be sought.

The Conservancy urges you and your client to realize that work on feasibility studies, as opposed to actual construction, can be conducted largely off-site. Further realize that one potential outcome of a feasibility study is a lack of feasibility. Finally, realize that the concerns referenced in your correspondence can and should be raised at the time actual construction is considered for authorization. In short, your request for cessation of the study and threat of litigation lack merit and wisdom in that they are not ripe for judicial intervention, nor has Mr. Mancuso exhausted his administrative remedies. Keep in mind the prohibition on the filing of frivolous actions embodied in Code of Civil Procedure Section 128.5.

The Conservancy looks forward to hearing, addressing and resolving the issues referenced in your correspondence and in this letter. Please contact me with any questions.

Sincerely,


James Pierce
Staff Counsel

1000024

333 SOUTH HOPE STREET SUITE 3300
LOS ANGELES, CALIFORNIA 90071-3042
TELEPHONE (213) 620-1868
FACSIMILE (213) 229-0515

IRELL & MANELLA LLP
A REGISTERED LIMITED LIABILITY LAW PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS
1800 AVENUE OF THE STARS, SUITE 900
LOS ANGELES, CALIFORNIA 90067-4276
TELEPHONE (310) 277-1010
CABLE ADDRESS: IRELLA LSA
FACSIMILE (310) 203-7199

840 NEWPORT CENTER DRIVE, SUITE 500
NEWPORT BEACH, CALIFORNIA 92660-6324
TELEPHONE (714) 760-0991
FACSIMILE (714) 760-5200
WRITER'S DIRECT DIAL NUMBER

June 19, 1996

VIA FACSIMILE AND U.S. MAIL

Mr. James Pierce
Staff Counsel
Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, California 94612-2530

Re: Chiate/Wildman Easement

Dear Mr. Pierce:

We are in receipt of your letter of June 18, 1996. As we discussed during our telephone conversation this afternoon, we are requesting that our request to suspend activity pending correction of the Conservancy's due process error be presented to the Board at its meeting in Sacramento tomorrow.

We do not believe it is appropriate for staff to unilaterally deny Mr. Mancuso's request as indicated by your letter, and to fail to even present our request to the Board, which after all is the responsible decision-making entity in the present instance.

Your letter acknowledges that the Conservancy did not provide Mr. Mancuso, one of the two owners whose properties are encumbered by the easement, with any actual notice of the Conservancy's May 16 agenda item. It is our understanding that the other property owner concerned did receive actual notice. Decisions regarding the easement directly and materially effect Mr. Mancuso's property rights. As I explained during our conversation, we fail to understand how a short delay to afford Mr. Mancuso notice and an opportunity to be heard (as he should have originally been provided) could in any way injure or prejudice the Conservancy's interests.

Mr. James Pierce
June 19, 1996
Page 2

As we discussed, we will be responding separately to the other issues raised in your June 18 letter. We look forward to the Conservancy Board's response to our request.

Very truly yours,


Allan J. Abshez

cc: Mr. Frank Mancuso
Mr. Michael Fischer
Ms. Brenda Buxton

IRELL & MANELLA LLP

A REGISTERED LIMITED LIABILITY LAW PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

333 SOUTH HOPE STREET, SUITE 3300
LOS ANGELES, CALIFORNIA 90071-3042
TELEPHONE (213) 620-1555
FACSIMILE (213) 229-0515

1800 AVENUE OF THE STARS, SUITE 900
LOS ANGELES, CALIFORNIA 90067-4276
TELEPHONE (310) 277-1010

CABLE ADDRESS IRELLA LSA
FACSIMILE (310) 203-7199

840 NEWPORT CENTER DRIVE, SUITE 500
NEWPORT BEACH, CALIFORNIA 92660-6324
TELEPHONE (714) 760-0991
FACSIMILE (714) 760-5200

WRITER'S DIRECT DIAL NUMBER

June 26, 1996

VIA FACSIMILE AND U.S. MAIL

Mr. James Pierce
Staff Counsel
California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, California 94612-2530

Re: Chiate/Wildman Easement

Dear Mr. Pierce:

I received your phone mail message of June 24, 1996, in which you informed me that staff did not present to the Conservancy Board Mr. Mancuso's request for notice and opportunity to be heard regarding the proposed study to open the Chiate/Wildman Easement. In our view, by withholding Mr. Mancuso's request from the Board, the staff of the Conservancy has denied Mr. Mancuso any administrative remedy he may have had, or has rendered the same futile. Staff's action also reinforces the serious concerns presented in our previous correspondence to the Conservancy.

We wish to respond to several of the points raised in your June 18, 1996 letter, Specifically:

1. Your letter admits no actual notice was ever given to Mr. Mancuso. Whatever the Conservancy's misimpression about Ms. McCabe, there is no excuse for the Conservancy not providing mailed notice to the property owner on whose property a portion of the easement concerned lies.
2. Your letter again suggests that the Conservancy has not adopted procedures for notice as required by Public Resources Code Section 31107.1. The lack of such procedures is the source of the problem which has occurred in the present instance.

Mr. James Pierce
June 26, 1996
Page 2

Your interpretation that the Conservancy has no notice obligations under Section 31107.1 is conveniently self-serving given the lack of notice which has occurred, and the Conservancy's apparent failure to implement Section 31107.1.¹ Moreover, your unduly narrow interpretation of Section 31107.1 is neither consistent with the broad definition of the word "transaction," nor the language of Section 31107.1, which emphasizes not only proper -- but equitable -- notice to the public. Simply put, given the fact that the study will provide critical information to guide the Conservancy's decision-making process regarding the easement, there is no excuse for denying directly affected property owners, like Mr. Mancuso, the opportunity to provide input regarding the study's proper scope.

3. Your suggestion that Mr. Mancuso raise his concerns in comments at a later time is not sufficient to remedy the Conservancy's errors. Mr. Mancuso and other area property owners should have been afforded an opportunity to be heard and to provide input regarding the proper scope of the feasibility study and the environmental and other factors that should be included before the study was authorized.² Instead, the Conservancy limited the scope of the study apparently to construction issues only, and authorized a limited budget tailored to such scope. These limitations effectively preclude the study from providing a full consideration of the factors which concern Mr. Mancuso.

4. Your remarks concerning our June 13, 1996 letter to Rauw Consulting Engineers are inappropriate. Our letter to Rauw

¹ We are at a loss to understand the Conservancy's purported reliance on Government Code Section 11125(a) to excuse the Conservancy's lack of notice to Mr. Mancuso. Obviously, in order to request notice of future activities, an affected owner must have had at least initial notice; here, no such notice occurred.

² These factors include, but are not limited to, traffic hazards and traffic congestion impacts; the lack of safe and sufficient parking; the cost and feasibility of providing such basic services as police, lifeguard, emergency communications and sanitary facilities; the cost and feasibility of mitigating adverse impacts to coastal bluffs, the beach, and sensitive vegetation and animal species; as well as impacts to surrounding and private property values.

Mr. James Pierce
June 26, 1996
Page 3

placed it on notice that no arrangements had been made by the Conservancy for entry to our client's property; a fact which your June 18 letter concedes. Nothing about our letter in any way impedes the Conservancy's business relationship with Rauw; nor is Rauw your client. Mr. Mancuso reserves the right to communicate with Rauw regarding any matter which effects his property interest.

Please do not hesitate to contact me if you have any questions or comments.

Very truly yours,


Allan J. Abshez

cc: Mr. Frank Mancuso

(iv) A preliminary title report for the property, along with copies of documents creating liens or encumbrances that might adversely affect the interest being acquired; subordination agreements or other instruments subordinating such liens or encumbrances to the interest being acquired, or an explanation of why the State should take subject to such liens or encumbrances, if any;

(v) A copy of all environmental documentation required by the California Environmental Quality Act, or an explanation of why no such documentation is required; and

(vi) A map or plat of the property interest to be acquired